

III. REMARKS

In the Office Action, Claims 1-5, 7-9, 11-13, 15-17 and 19-22 were rejected under 35 U.S.C. 103 as being unpatentable over Davis (US 7010144) in view of Gindele (US 6636646) and Milch (US 6429924), and claims 6 and 14 were rejected under 35 U.S.C. 103 as being unpatentable over Davis in view of Gindele, Milch, and Shimizu (US 6,515,271) for reasons set forth in the Office Action.

The following argument is presented to distinguish the present claims from the teachings of the cited art, thereby to overcome the foregoing rejections and to show the presence of allowable subject matter in the claims.

In the rejection of the present independent claims 1 and 11, as well as numerous ones of the dependent claims, the examiner combines the teachings of Davis, Gindele and Milch to support a rejection under 35 U.S.C. 103. In particular, as noted at the bottom of page 4 of the Office Action, the examiner states that the combination of Davis in view of Gindele fails to disclose a use of statistical data for adjusting an image sensor of a camera module for generating data for a next image. The examiner then relies on Milch for a teaching of an imaging device, with a citation of a passage of Milch (col. 1, lines 35-47) that states "The data, generally known in the imaging industry as metadata, may contain information about the captured scene, or about the photographer's technical preferences, or even contain information on how the image should be reproduced."

The examiner then states (top of page 5) that "In the light of the teaching from Milch, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the metadata of Davis and Gindele to contain information on how the image should be reproduced."

It is noted that the response to the previous office action provided amendment at the end of claim 1, namely: "and using said statistical data for adjusting said image sensor of the camera module for generating image data for a next image" with corresponding amendment at the end of independent claim 11. It is urged that this feature is absent in the teaching of Milch, who does not disclose where information on how the image should be reproduced is transmitted. It is believed that Milch refers to the same image where this information is attached. On the contrary, according to present claim 1, statistical data is used for adjusting the image sensor for generating image data for a next image. It is believed that the cited art fails to teach adjustment of an image sensor of the camera module using statistical data, particularly statistical data obtained from a prior image.

It is observed further that the term "statistical data" does not appear in the passage of Milch, cited by the examiner. Milch uses the term "metadata" for photography by a camera. In the paragraphs (beginning in col. 1 at line 47) following the cited passage, Milch gives examples of metadata, such as: designation of a portion of the image to appear in a final print, the date on which a frame was exposed by a camera, the nature of the device used to capture the scene, the intent of the photographer, as well as modes of recording the metadata along with the photographic image. By way of comparison with the foregoing teachings of Milch, the present specification, beginning on page 2 at line 30, teaches that data required for manipulating an image is obtained from statistical data that is calculated from image data. This results in calculation of image manipulation parameter values.

Based on the description of statistical data, as presented in the present specification, and the very different description of metadata, as presented in Milch, it is believed that the statistical data of present claims 1 and 11 cannot be interpreted as reading on Milch. And furthermore, as was stated above, the cited art fails to teach adjustment of an image sensor of the camera module using statistical data obtained from a prior image "for generating image data for a next image", to use the language of

independent claims 1 and 11. This feature was extracted from original claims 10 and 18 that were previously canceled.

In view of the foregoing observation, the cited prior art, coupled with the knowledge generally available in the art at the time of invention, does not contain any suggestion or incentive that would motivate a skilled person to modify the teaching of the cited references in such a way that the technical solution recited in the amended independent claims would be obtained. Furthermore, in view of the disparity between the teachings of Milch with the other cited art as well as with the present claims, there is no clear direction in the cited art, nor any motivation or suggestion, to combine the teachings of Milch with the other cited references.

Accordingly, it is urged that the present argument has overcome the grounds of rejection under 35 U.S.C. 103.

Furthermore, it is noted that the present application relies on a date of priority, December 8, 2000 of an application filed in Finland. This is only eight days after the U.S. filing date, November 30, 2000, of Milch. In all probability, the present invention was conceived prior to the U.S. filing date of Milch. Applicant is considering filing a Declaration under 37 C.F.R. 131 with an evidentiary exhibit to establish such earlier date of invention, if necessary to overcome the foregoing rejection under 35 U.S.C. 103.

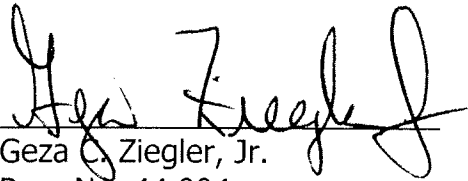
For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

10/004,685

Response to the office action dated 4 May 2007

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,



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6 Aug 2007
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